

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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**HATE CRIME CASE SETTLED FOR VIOLENT NIGHT CLUB ATTACK**

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SACRAMENTO -- The Department of Fair Employment and Housing (DFEH) announced today that it has finalized a \$125,000 settlement in a case involving hate violence.

The DFEH contended, in a lawsuit filed in San Francisco Superior Court, that in August 2002, Bay Area resident Jack Broughton violated the Ralph Civil Rights Act when he assaulted U.C. Berkeley, student Yvette Balderas outside Studio TV (formerly the Transmission Theatre), a San Francisco nightclub where Ms. Balderas was attending the SF Drag King Contest.

"Any act of violence cannot be tolerated, especially those acts perpetrated because of a person's gender or sexual orientation," said DFEH Director Suzanne M. Ambrose. "This settlement reiterates the importance of the DFEH's ongoing education and outreach efforts as a means of preventing future cases and encouraging all Californians to understand the gravity and corrosiveness of such acts."

The Ralph Civil Rights Act prohibits violence or threats of violence based upon enumerated bases, including sex (gender) and sexual orientation. Broughton's female companion instigated the assault, punching Ms. Balderas in the mouth without provocation. Defending herself, Ms. Balderas knocked her assailant to the ground.

Broughton struck Ms. Balderas on the head from behind using his closed fist, as he screamed derogatory epithets related to Ms. Balderas' gender and sexual orientation, including "dyke." Broughton's vicious attack upon Ms. Balderas continued as he repeatedly kicked her about the head, neck, and breast while she lay on the ground in a fetal position, bleeding and crying. Broughton also assaulted a friend of Ms. Balderas' who attempted to intervene and assist her.

In February 2004, Broughton entered a guilty plea on an associated criminal charge of willfully assaulting Ms. Balderas because of her sexual orientation by means of force likely to produce great bodily injury.

For more information about the work of the DFEH or the laws it enforces, including, in addition to the Ralph Civil Rights Act, the Fair Employment and Housing Act and Unruh Civil Rights Act, visit the DFEH's website: www.dfeh.ca.gov.

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